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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, )  
 11 Plaintiff, ) No. CR 07-0738 MMC  
 12 v. )  
 13 NOE ARIAS-ORDONEZ, ) **STIPULATION AND [PROPOSED]**  
 14 Defendant. ) **ORDER FOR CONTINUANCE OF**  
 15 ) **BRIEFING SCHEDULE ON**  
 16 ) **MOTION TO DISMISS**  
 17 )  
 18 ) Date: March 19, 2008  
 19 ) Time: 2:30 p.m.  
 20 ) Court: Hon. Maxine M. Chesney  
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 18 The parties hereby stipulate and ask the Court to order as follows;

19 1. Defendant is planning to file a pretrial Motion to Dismiss in the aforementioned matter. Under  
 20 the current briefing schedule, defendant's motion is due February 20, 2008;  
 21 2. An expert witness hired by the defendant, anticipated to provide a declaration relevant to this  
 22 Court's determination of the aforementioned motion, needs more time to review Mr. Arias-  
 23 Ordonez's A-file and complete her analysis of the case;  
 24 3. Defense counsel thus seeks a two-week continuance of the briefing schedule, and the  
 25 government has no opposition to the request. The proposed revised briefing schedule is set  
 26 forth below;

1 4. The parties also jointly request the Court to hold that for the reasons stated herein, including  
2 the need for defense counsel to effectively prepare Mr. Arias-Ordonez' motion to dismiss, and  
3 for good cause shown, this Court should find that the ends of justice served by excluding the  
4 period from February 20, 2008 to March 5, 2008 outweigh the interest of the public and the  
5 defendant in a speedy trial, and should order that the period from February 20, 20080 to March  
6 5, 2008, is excluded from Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(1)(F)  
7 and § 3161(h)(8)(B)(iv).

## IT IS SO STIPULATED

Dated: February 19, 2008

/s/  
OWEN MARTIKAN  
Assistant United States Attorney

Dated: February 19, 2008

/s/  
ELIZABETH M. FALK  
Assistant Federal Public Defender

## [PROPOSED] ORDER

For the reasons stated herein, and for good cause shown, the briefing schedule and motion hearing date previously established by this Court for Defendant's Motion to Dismiss in the aforementioned case are hereby VACATED. The briefing schedule shall be altered as follows:

## Dismiss

Response Due: March 10, 2008

Reply Due: March 26, 2008

Motion Hearing: April 2, 2008 at

For the reasons stated herein, including the need for effective preparation of defense counsel, and for good cause shown, this Court also finds that the ends of justice served by excluding the

1 period from ~~February 20, 2008 to March 5, 2008~~ outweigh the interest of the public and the  
2 defendant in a speedy trial, and orders that the period from ~~February 20, 2008 to March 5, 2008~~ is  
3 excluded from Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(1)(F) and §  
4 3161(h)(8)(B)(iv).

## 6 || IT IS SO ORDERED.

7 || Dated: February 21, 2008

Maxine M. Chesney  
THE HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE